

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

WENDA M. SHREVE,

Plaintiff,

v.

**CAROLYN W. COLVIN,
Acting Commissioner of the
Social Security Administration,**

Defendant.

Case No. CIV-14-56-SPS


OPINION AND ORDER

The claimant Wenda M. Shreve sought judicial review of the decision by the Commissioner of the Social Security Administration (“Commissioner”) denying benefits pursuant to 42 U.S.C. § 405(g). The claimant argued that the Administrative Law Judge (“ALJ”) erred by failing to properly evaluate the medical evidence by picking and choosing from a state reviewing physician’s opinion regarding her physical impairment and disregarding evidence related to her mental impairment.

After the claimant filed her appellate brief, the Commissioner moved to remand the case to the ALJ for rehearing in order to reevaluate the medical opinions, reassess her residual functional capacity, reevaluate whether she can perform her past relevant work, and obtain supplemental evidence from a vocational expert. The claimant does not object to the Commissioner’s Motion to Remand [Docket No. 16]. The Commissioner’s motion is therefore GRANTED.

Accordingly, the Court finds that the decision of the Commissioner is unsupported by substantial evidence and is therefore REVERSED pursuant to the fourth sentence of 42 U.S.C. § 405(g). The case is hereby REMANDED to the ALJ for rehearing and a new administrative decision that properly assesses the claimant's credibility, and such other evidence as the Commissioner finds appropriate. The claimant is the prevailing party in this action and the Court will therefore render a separate judgment in her favor pursuant to Fed. R. Civ. P. 58(b)(2)(B).

DATED this 20th day of October, 2014.


Steven P. Shreder
United States Magistrate Judge
Eastern District of Oklahoma